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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,531	07/26/2000	John G Posa	VID-01202/29	7887

7590                    01/13/2004

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[REDACTED] EXAMINER

ORGAD, EDAN

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2684

DATE MAILED: 01/13/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/625,531	POSA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Edan Orgad	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 October 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 4-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 4-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "switch means" in page 2, line 7. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Diethorn (US 6,321,080).

Regarding claim 1, Diethorn teaches a telecommunications apparatus, comprising: a base unit (element 12), including an interface to a telecommunications network (inherent); at least one remote microphone (element 20) in wireless communication with the base unit (element 14), enabling a user of the microphone to speak to a listener through the base unit and telecommunications network a speaker associated with the base unit (col. 1, line 6-10); a set of electrical contacts between the remote microphone and the base unit (col. 2, lines 36-42).

Diethorn further discloses a switch (element 34) in electrical communication with the switch means (it is unclear what switching means applicant is referring to?), causing the telephone to enter into a speakerphone mode when the remote microphone is removed from the docking station for use (col. 6, lines 1-13).

Claims 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by David et al (US 6,069,943).

Regarding claim 4, David teaches a telecommunications apparatus (element 80) comprising: a base unit, including an interface (fig. 1, elements 12 & 14) to a telecommunications network a plurality of wireless remote microphones (elements 16, 18 & 20) in wireless communication with the base unit (col.7, lines 53-55) and audio processing circuitry operative to deliver the signals from each microphone to the telecommunications network through the interface enabling a user of each microphone to speak to a listener through the base unit and telecommunications network (col. 4, lines 49-63).

Regarding claim 5, David teaches the audio processing circuitry includes a level control causing the volume associated with each microphone to appear uniform to the listener (col. 5, lines 46-58).

Regarding claim 6, David teaches the audio processing circuitry includes a discriminator operative to selectively pass the audio from a subset of the microphones based upon current usage (col. 5, line 59- col. 6, line 13).

Regarding claim 7, David teaches a base unit, including an interface to a telecommunications network at least one wireless remote microphone (col. 4, lines 51-56) in

wireless communication with the base unit (col. 7, lines 53-54) enabling a user of the microphone to speak to a listener through the base unit and telecommunications network and wherein the remote microphone forms part of a headset (elements 18 or 20) including a speaker enabling the user to conduct a two-way voice communication with the listener (col. 4, line 64-col. 5, line 10).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over David et al (6,069,943) in view of Chang et al (6,469,732).

Regarding claim 8, David teaches a base unit (element 80), including an interface to a telecommunications network at least one wireless remote microphone in wireless communication with the base unit (col. 7, lines 51-55) enabling user of the microphone to speak to a listener through the base unit and telecommunications network (col. 3, lines 45-50). However, David fails to specifically disclose the base unit forms part of a video teleconferencing system including a video camera for capturing images of the user for transmission to the listener through the telecommunications network. However, Chang teaches a system where video conferencing provides accurate determination of the position of the speaking participants (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to include Chang's well known video conferencing system with David's already existing remote microphone communication system in order to provide David with video means as well as a camera that is capable of automatically steering itself to the user.

Regarding claims 9 and 14, David fails to specifically disclose a wireless signal transmitter; and wherein the remote microphone re-transmits the wireless signal to the base unit, enabling the base unit to determine a positional aspect of the user of the microphone. However, as shown in claim 8, Chang's positioning aspects (col. 2, lines 1-14) are notoriously well known and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include Chang's well known video conferencing system with David's already existing remote microphone communication system in order to provide David with a camera that is capable of automatically steering itself to the user (microphone).

Regarding claims 10-12, David as modified by Chang teaches a pan or tilt mount associated with the video camera which is controlled as a function of the positional aspect, an auto-focusing capability for the video camera which is controlled as a function of the positional aspect and a zoom lens associated with the video camera which is controlled as a function of the positional aspect (see Chang, col. 2, lines 59-60).

Regarding claim 13, David teaches a plurality of remote microphones, each transmitting a wireless audio signal to the base unit (elements 16, 18 & 20, col. 7, lines 34-60).

Regarding claim 15, David as modified by Chang teach a pan, tilt, and zoom capability associated with the video camera which is controlled as function of the positional aspect of each user, enabling the camera to selectively frame the image of one or more users for transmission through the telecommunications network (see Chang, col. 2, lines 59-60 & col. 5, lines 17-61).

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Regarding claim 16, David as modified by Chang fail to disclose the pan, tilt, or zoom capabilities are effectuated by selecting a subset of pixels from a larger number of pixels in an image gathered by the camera. However, official notice is taken that it is notoriously well known in the art of video to select a subset of pixels from a larger number of pixels in an image gathered by the camera to effectuate the pan, tilt or zoom capabilities. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a subset of pixels from a larger number of pixels in an image gathering by the camera in order to allow for a clearer picture.

Regarding claim 17, David as modified by Chang teach an auto-focusing capability for the video camera which is controlled as a function of the positional aspect of each user, enabling the camera to control depth-of-field associated with one or more users (see Chang, col. 5, lines 17-61 & col. 7, lines 18-25).

#### *Response to Arguments*

Applicant's arguments with respect to claims 1 and 4-17 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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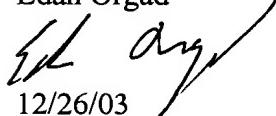
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..

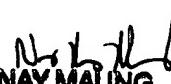
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Edan Orgad



12/26/03



NAY MAUNG  
SUPERVISORY PATENT EXAMINER